

Amendment and Response

Applicant: Daniel J. Zillig

Serial No.: 10/622,973

Filed: July 18, 2003

Docket No.: M120.143.101 (58067US002)

Title: CLEANING WIPE AND METHOD OF MANUFACTURE

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed February 22, 2005. In that Office Action, the Examiner acknowledged the provisional election of February 2, 2005 made with traverse to prosecute the invention of a cleaning wipe (claims 1-36) and therefore withdrew claims 37-46 from consideration.

Further, claims 1, 3-11, and 15-24 were rejected under 35 U.S.C. §102(b) as being anticipate by Tanaka et al., EP Patent No. 0822093 ("Tanaka"). Claims 2, 12-14, and 25-36 were rejected under 35 U.S.C. §103(a) as being obvious over Tanaka in view of Truong et al., U.S. Patent Publication No. 2004/0074520 ("Truong"). Claims 1, 3-11, and 17-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Brown et al., PCT Publication No. WO 01/80705 ("Brown"). Claims 2, 12-14, and 25-36 were rejected under 35 U.S.C. §103(a) as being obvious over Brown in view of Truong.

With this Response, claim 1 has been amended, claims 37-46 have been cancelled, and claims 47-52 have been added. Claims 1-36 and 47-52 are currently pending in the application and are presented for reconsideration and allowance.

Restriction Requirement

Claims 37-36 have been cancelled without prejudice in accordance with Applicant's election with traverse to prosecute Invention I (Claims 1-36), which is hereby affirmed, made in response to the Examiner's restriction requirement and as noted in the Office Action.

35 U.S.C. §§102, 103 Rejections**Claims 1-24**

Independent claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka and under 35 U.S.C. §102(b) as being anticipated by Brown. Amended, independent claim 1 relates to a cleaning wipe including a fiber web and a tacky material. The fiber web defines opposing faces and an intermediate region between the opposing faces. At least one of the opposing faces serves as a working surface for the cleaning wipe. The tacky material is impregnated into the fiber web such that a level of the tacky material is greater in the

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intermediate regions than at the working surface. The cited references fail to disclose, teach, or otherwise suggest such limitations.

For example, Tanaka fails to teach or suggest the tacky material being “impregnated into the fiber web” as recited in claim 1. Tanaka relates to a pressure-sensitive cleaning sheet including a sheet-form substrate 1, a pressure sensitive adhesive 2, and a porous screen 3. Pressure sensitive adhesive 2 is layered on one side of substrate 1, and porous screen 3 is “disposed *on the surface* of the pressure-sensitive adhesive layer 2” (Column 4, lines 45-46). Furthermore, the thickness of the adhesive layer 2 is disclosed as being preferably limited due to “a *fear* that the pressure-sensitive adhesive may protrude onto the porous screen” (Column 4, lines 41-44). As such, not only does Tanaka teach surface to surface application of the adhesive layer to the porous screen, but Tanaka actually teaches away from the protrusion of the adhesive onto the porous screen beyond the surface interaction between the two layers. This teaching is emphasized in Column 5, lines 15-28, which disclose that the pressure sensitive adhesive does not contact a member to be cleaned when the cleaning sheet is brought into contact with such as object “because the porous screen 3 is projecting from *the surface* of the pressure sensitive layer 2.” Accordingly, Tanaka teaches away from “impregnating” the fiber web with a tacky material as recited in independent claim 1 since it would require adhesive extending beyond a surface of the porous web.

For at least the above described reasons, independent claim 1 is believed to be allowable over the Tanaka. Accordingly, it is respectfully requested that the associated rejection under 35 U.S.C. §102(b) be withdrawn.

Brown relates to a cleaning sheet having particle retaining cavities. The cleaning sheet includes a fabric layer secured to a flexible backing layer so as to define an outer fabric surface with a plurality of cavities therein. The cleaning sheet may include adhesive disposed *between* the fabric layer and the flexible backing layer (page 6, lines 15-17). The fabric layer can have a plurality of apertures therethrough which expose at least a portion of the adhesive (see page 2, lines 5-10). In other embodiments, adhesive is “selectively applied to *a surface* within the cavities” (page 3, lines 1-3). The surface only application of the adhesive disclosed in Brown

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fails to teach or suggest “impregnating” the fiber web with a tacky material as recited in independent claim 1.

In particular, the cleaning sheet of Brown is configured to collect particles or debris within the holes or cavities and to maintain such particles or debris with the adhesive applied to the surface of or accessible via the cavity. The adhesive is applied to *surfaces* of the fabric layer or cavities formed therein and is not taught or otherwise suggested to be impregnated into a fiber web as recited in claim 1. In fact, since the adhesive is only accessible via the cavities or apertures and an oil dust adhesion agent is applied to the fabric layer to otherwise collect debris, there is no disclosure or suggestion to impregnate the fabric with adhesive since the oil dust adhesion agent already provides an alternative means for collecting and maintaining debris within the layer. Therefore, for at least this reason Brown also fails to teach or suggest the claimed features of amended, independent claim 1. Accordingly, it is requested that the associated rejection under 35 U.S.C. §102(b) be withdrawn.

Dependent claims 3-11 and 15-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka and/or under 35 U.S.C. §102(b) as being anticipated by Brown. Each of dependent claims 3-11 and 15-24 depends from independent claim 1, which as described above is allowable over the cited references. Therefore, dependent claims 3-11 and 15-24 are also allowable over the cited references, and withdrawal of the associated rejections is hereby requested.

Moreover, dependent claim 6 additionally recites the fiber web including a plurality of randomly distributed fibers being coated with the tacky material. Since, as described above, Tanaka only teaches a surface interaction between the adhesive layer 2 and the porous screen 3, none of the fibers of the porous screen 3 are “coated” with the adhesive. Therefore, Tanaka fails to teach or suggest fibers being coated by a tacky material as recited in dependent claim 6. Brown similarly fails to teach this feature of claim 6.

Dependent claims 2 and 12-14 were rejected under 35 U.S.C. §103(a) as being obvious over Tanaka in view of Truong and/or under 35 U.S.C. §103(a) as being obvious over Brown in view of Truong. Each of dependent claims 2 and 12-14 depends from independent claim 1,

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which as described above recites features not taught or otherwise suggested by Tanaka or Brown. Truong fails to alter this analysis.

In particular, Truong fails to qualify as available prior art in view of 35 U.S.C. §103(c), which states that subject matter “which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Reference is made to the concurrently filed Statement of Sean J. Edman, an attorney of record for the above application. By this Statement, the pending Application Serial No. 10/622,973, and the cited Truong reference were, at the time the invention of Application Serial No. 10/622,973 was made, owned by, or subject to an obligation of assignment to, the same organization. Thus, Truong combined with any reference, such as Tanaka or Brown, cannot form the basis of a §103 rejection. Accordingly, Applicant requests the withdrawal of the associated rejections of claims 2 and 12-14.

Claims 25-36

Independent claim 25 was rejected under 35 U.S.C. §103(a) as being obvious over Tanaka in view of Truong and under 35 U.S.C. §103(a) as being obvious over Brown in view of Truong. Claim 25 recites a cleaning wipe comprising a fiber web and “a tacky material impregnated into the fiber web at a level of greater than 10 g/m². The fiber web defines a working surface exhibiting a Drag Value of not more than 5 pounds. The cited references fail to teach such features.

For similar reasons as described above with respect to independent claim 1, the cited references do not teach or otherwise suggest the tacky material “impregnated into” the fiber web as recited in claim 25. In addition, as cited in the Office Action both Tanaka and Brown fail to teach or otherwise suggest a cleaning wipe having a working surface that exhibits a Drag Value of not more than 5 pounds as recited in independent claim 25. Truong fails to alter this analysis for similar reasons as described above with respect to dependent claims 2 and 12-14 above. In particular, in view of the concurrently filed Statement of Sean J. Edman and 35 U.S.C. §103(c),

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Truong is not available for use as a reference against the current application under 35 U.S.C. §103. For at least these reasons, independent claim 25 is believed to be allowable over the cited references, and withdrawal of the associated rejection is hereby requested.

Dependent claims 26-36 were rejected under 35 U.S.C. §103(a) as being obvious over Tanaka in view of Truong and under 35 U.S.C. §103(a) as being obvious over Brown in view of Truong. Each of dependent claims 26-36 depends from independent claim 1, which as described above is allowable over these cited references. Consequently, dependent claims 26-36 are also believed to be allowable over the cited references.

Newly Presented Claims

New claims 47-52 each depend from one of independent claims 1 and 25, which, as described above, are allowable over the cited references. Accordingly, new claims 47-52 are also believed to be allowable.

AUTHORIZATION TO DEBIT ACCOUNT

Applicant hereby authorizes the Commissioner to charge Deposit Account No. 50-0471 in the amount of **\$1,020.00** (to cover the three-month Petition for Extension-of-Time). If additional fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-36 and 47-52 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-36 and 47-52 are respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Any inquiry regarding this Amendment and Response should be directed to either Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005 or Sean J. Edman at Telephone No. (651) 575-1796, Facsimile No. (651) 736-3833. In addition, all correspondence should continue to be directed to the following address:

3M Innovative Properties Company

P.O. Box 33427

St. Paul, MN 55133-3427

Respectfully submitted,

Daniel J. Zillig,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC

Fifth Street Towers, Suite 2250

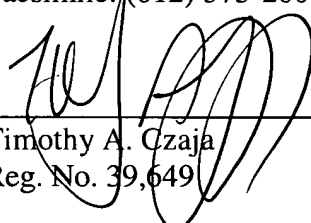
100 South Fifth Street

Minneapolis, MN 55402

Telephone: (612) 573-2004

Facsimile: (612) 573-2005

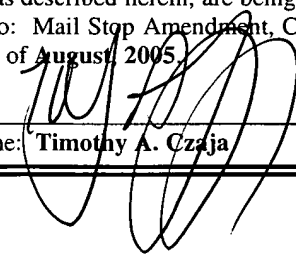
Date: August 22, 2005
TAC:JMS:mas



Timothy A. Czaja
Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of August, 2005.

By 
Name: Timothy A. Czaja